

**From:** Christina Walsh <cwash@cleanuprocketdyne.org>  
**To:** <appeals@dtsc.ca.gov>  
**Date:** Mon, Dec 22, 2008 2:59 PM  
**Subject:** Docket Number PAT- FY08/09-02 (Order), Post Closure Permits

Christina Walsh - cleanuprocketdyne.org, and ACME Aerospace Cancer Museum of Education

Mohinder S. Sandhu, P.E.  
Permit Appeals Officer  
Department of Toxic Substances Control  
8800 Cal Center Drive, MS R1-2  
Sacramento, CA 95826

Partially granting Petition for Review and Denial of Review,  
California Code of Regulations Title 22, Section 66271.18

Following are my comments for the record:

Boeing Comment II A The Permit Imposes An Excessive Constituents of Concern  
Analysis That Does Not Adequately Consider Historical Data

This is inappropriate in that there is an ongoing effort by Boeing to rule out contaminants on various basis so that they are not sampled for. It has been clear from past violations that the problem is chronic and ongoing and we cannot afford to have them missed on the basis that it's too hard to look. The very idea that Boeing has made a request to stop monitoring so often based on the "stability observed in the groundwater" which has NOT been demonstrated and indeed is a point of contention because the groundwater has not been adequately delineated or characterized to make such a determination. We see this as an effort to relax regulation instead of where we believe the effort must be focused: on proper, independent, balanced characterization of the groundwater with community participation so that we can learn of the impacts and make decisions on remediation based on full characterization, not half the story. We need to understand first and foremost, BEFORE any effort to stop looking is made.

We do not believe a complete list has been adequately made of COC's based on continued new findings including the radium in the Area 1 burnpit where we were assured that no radioactive contamination could be there...it was there. We found igniters buried in a creekbed of the neighboring park demonstrating the past habits of bury and dispose of by whatever means that are easiest and least expensive. Dumping it down the creek is certainly cost effective, but not to the people below. This tells us we MUST look everywhere, for all COC's and continually update that list based on all new evidence presents itself.

We recently learned they burned primary sodium in the burnpits/ponds, so we know we must look everywhere and not discount based on our current practices. That is not how this problem began. It began with

a mindset that we find difficult to relate to in today's world of data, internet, and scientific knowledge. But it happened, and we cannot deny that. We have to look with our eyes open.

#### Boeing Comment II-C

The Monitoring Network Includes Existing Wells Unrelated to the Regulated Units

The fact that this comment is submitted by Boeing should demonstrate clearly that there is no stabilization of the groundwater below. If that were true, then they would not have made this comment: "...A specific example of this is the inclusion of wells RD-49A, RD-49B and RD-49C as wells in the affected media associated with the ABSP impoundment. These wells are nearly 1000 feet from the impoundment and may have been impacted by inadvertent releases from facilities and operations unrelated to the ABSP impoundment." This is in direct conflict with the argument that the groundwater is stable and not moving. So let's get back to the business of characterization and clean-up of the groundwater and surface water impacts that continue to be a problem and take the blinders off.

It is entirely inappropriate to discontinue sampling/monitoring for PAHs which have been found to be related to the Alfa/Bravo pond traps. Perchlorate is used in relation to igniters which were found at Sage Ranch. This is a fact that we cannot ignore. We need to learn from it, and move forward looking for those contaminants, not by not looking.

#### Boeing Comment II-D

The Monitoring Network Inappropriately Includes Wells Owned by Parties Other Than NASA or Boeing

The purpose of OS wells is to ensure that contamination is not migrating where it may impact human health and the environment. It is therefore inappropriate to stop looking in these areas downgradient from these areas of concern.

While perchlorate may not have documented use in the area, it is still unclear how we keep seeing perchlorate in areas of the site and below in neighboring streams. Due to haphazard practices of storage and disposal, it cannot be clear as to where we don't have to worry about perchlorate. In fact, we have found hydrazine on signage in an area noted by NASA to NOT have used the chemical. We cannot trust the records because we are now aware of document destruction that took place at the site (Former Incinerator Ash Pile), where they burned photographs and other documents, as well as documents getting contaminated from fuel handling mishaps.

We need to continue to look at migration pathways including these groundwater aquifer connections that are not adequately understood, as stated by DTSC.

It is inappropriate to reduce the constituents of concern by excluding MDMH, Hydrazine and other exotic fuels that we have seen documentation of their use at the site. Many of the well documented rocket programs

employed at the site included these COC's such as the Peace Keeper PLF, Lance Missile, Static Pulse Engine, Advanced Experimental Thrust Program, MP51 Turbo Pump, and the RS 14 Minuteman among others.

#### Response to Boeing Comment IV

This appeal comment does not request review of a condition of the permit.

The petitioner is stating that if a different state regulatory scheme existed , then

the permit conditions would be different. The permit process is not the proper

forum for addressing the adoption of a new regulatory scheme .

Accordingly,

DTSC finds that Petitioner has failed to meet the burden to establish that the

DTSC should grant a review of this issue pursuant to the criteria set forth in

California Code of Regulations, title 22 , section 66271.18 (a) and, for this reason,

denies review of Boeing Comment IV .

It is disappointing to see this effort to remove regulation by trying to open up other issues. We concur and appreciate the denial of this request for review.

We appreciate Chandler's comments, specifically with regard to the frequency of monitoring and the effect of setting those intervals greater than that of the quarterly monitoring which is in the permit and understanding the resulting impact on the enforceability or even understanding of the current conditions is profoundly important.

#### Chandler Comment - 6a

We support this comment and reiterate its importance in that soil pore gas is one of our biggest challenges and it is not looked at adequately. This is a primary exposure pathway to several species and also emphasizes the importance that the contaminated rock will recontaminate the water it is in contact with, as it moves through. Vadose Zone monitoring is crucial to properly understanding the current conditions of the site and the groundwater below.

Porter- Cologne Act, it states that a discharger has no right to allow discharge or threat of discharge into ground water from its waste units . Detection monitoring in ground water is not an acceptable substitute for vadose zone monitoring which may lead to prevention or amelioration of discharge into ground water . We concur with

petition that a pore liquid monitoring response program (MRP) be included in the permit for the unsaturated fractured rock and that a pore gas program be added in accordance with article 17 .

#### Chandler Comment 8

19 Financial Responsibility for New Post-Closure Care Conditions

and Corrective Action in the Permit Modifications  
P. 1211 1 and 2 - The assurance of financial responsibility (AFR) for  
corrective action is required by statute to be included in permits  
issued by DTSC . We support this petition and believe in these times  
of financial crisis, it is of particular importance.

Thank you for your consideration

Sincerely,

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